

PATENT  
Attorney Docket No. 05725.0877  
Application No.: 09/820,856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
David W. CANNELL et al. ) Group Art Unit: 1615  
)  
Application No.: 09/820,856 ) Examiner: J. Venkat  
)  
Filed: March 30, 2001 )  
)  
For: HEAT ACTIVATED DURABLE )  
STYLING COMPOSITIONS )  
COMPRISING C<sub>1</sub> TO C<sub>22</sub> )  
SUBSTITUTED C<sub>3</sub>-C<sub>5</sub> )  
MONOSACCHARIDES AND )  
METHODS FOR SAME )

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Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/820,812, filed March 30, 2001 for COMPOSITIONS COMPRISING AT LEAST ONE C<sub>1</sub>-C<sub>22</sub> SUBSTITUTED C<sub>3</sub> TO C<sub>5</sub> MONOSACCHARIDE UNIT, AND THEIR USE FOR THE PROTECTION AND/OR REPAIR OF KERATINOUS FIBERS in the names of David W. Cannell, Natalya Fadeeva, and Nghi Van Nguyen, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012042, Frame 0001 on August 3, 2001.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

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Assignee, L'Oréal S.A., through its attorneys, further represents that it is the assignee of the entire right, title and interest in and to copending U.S. Application No. 09/820,934, filed March 30, 2001, for HEAT ACTIVATED DURABLE CONDITIONING COMPOSITIONS COMPRISING C<sub>1</sub> TO C<sub>22</sub> SUBSTITUTED C<sub>3</sub>-C<sub>5</sub> MONOSACCHARIDES AND METHODS FOR USING THE SAME, in the names of David W. Cannell, Hitendra Mathur, and Nghi Van Nguyen, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 011965, Frame 0857 on July 10, 2001.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on copending Application Nos. 09/820,812 and 09/820,934. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and copending Application Nos. 09/820,812 and 09/820,934 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on copending Application Nos. 09/820,812 and 09/820,934, as presently shortened by any terminal disclaimer, in the event that any patent granted on the

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

copending Application Nos. 09/820,812 and 09/820,934 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

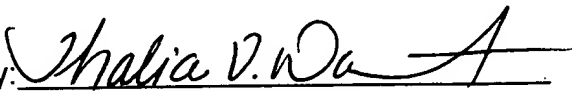
In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P

By:   
Thalia V. Warnement  
Reg. No. 39,064

Date: May 7, 2003

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com